

REMARKS

The Examiner is thanked for the Official Action of June 22nd, 2010 and for the opportunity to discuss the case via telephone on or about the 12th of August. During the in person interview the Examiner stated that there was allowable subject matter. Applicant submitted a response based on this discussion but after closer review Applicant decided that the response did not clearly define the invention. Thereafter Applicant filed a supplemental response that invoked a phone call from the Examiner. Applicant now submits a second supplemental amendment and arguments to define the invention over the cited art. Applicant respectfully requests that the present amendment replace the two previously filed amendments.

Rejections under 35 U.S.C. § 112

Claim 1 is amended with this submission and the rejection should now be moot.

Rejections under 35 U.S.C. § 103(a)

The Examiner reasserts the rejection of Claim 1 over Japan 61-24121 ('121) in view of Ballew and Aksamit. Applicant disagrees for at least the following reasons.

The Examiner rejected Claim 1 under § 103. Because all of the elements of newly amended Claim 1 are not disclosed in the references it would not have been obvious to combine them to arrive at the present invention. Applicant has amended the claims in order to advance prosecution but would like to present the following arguments in response to the Examiner's rejections.

Elements Not Disclosed in References:

All of the elements of amended Claim 1 are not disclosed in the prior references, specifically:

1. "wherein a guide body (8) is securely fastened on and forward of the electric motor (3)

of a sharpener body (2) via a mounting plate portion ~~(3a)~~ 88a, 88b so that the electric motor (3) and the guide body (8) are integrally assembled".

a. As argued previously, none of the references cited by the Examiner teach a guide body securely fastened on and forward of an electric motor via a mounting plate such that the electric motor and the guide body are integrally assembled. Japan No. 61-24121 teaches a guide body attached to a drill but does not disclose or teach the use of a mounting plate.

2. "four branch faces 80a, 80b, 80c and 80d that are wider than a saw chain and which have a substantial X-shape as seen in plan view, extending in two directions, and which are fit into and along an upper part of the saw chain (30) in alignment with a sharpening angle of either a left or right cutter blade (31) of the saw chain (30);"

a. The Examiner states that Ballew teaches a substantial X-shape. However, Ballew does not teach a branch face wider than a saw chain and which are fit into and along an upper part of the saw chain.

3. "ribs 83a and 83b are bent downward and are formed at positions along a right side edge and a left side edge respectfully of branch faces 80b, 80c and 80a, 80d;"

a. None of the references teach ribs bent downward.

4. wall pressure plate faces (81a, 81c, 81d, 81b) that are directed downward and that are formed on a front end faces of said ribs 83a and 83b and on back end edges of the left and right branch faces 80d, 80c and serve as wall faces for pressing against a guide bar of the chainsaw such that manually pushing said electric motor toward [[a]] said guide bar (40) of the chainsaw causes either wall pressure plate faces (81a, 81c) or (81b, 81d) to press against said guide bar (40) thereby accurately aligning said grinding tool with the sharpening angle and preventing wobbling [[,]]

a. None of the references teach wall pressure plates as taught above.

Furthermore, Applicant asserts that it would not have been obvious to combine Ballew and Aksamit ('908) to arrive at the current pressure plates. Nothing in the disclosures of Ballew or Aksamit teaches or even suggests a pressure plate that presses against the guide bar. Aksamit is simply used for "supporting a sharpening tool adaptor" (abstract) and Ballew is an extremely loose guide. Neither teach or suggest in any way pressing against the guide bar such that the

pressure aligns the grinding angle and prevents wobble. Additionally, the structure of the present invention and either Aksamit or Ballew is entirely different. Aksamit and Ballew both teach a loose connection whereby the angle is controlled by the sharpener. Here, the angle is set for the device. Additionally, it is obvious from the figures of both Aksamit and Ballew that both inventions are prone to wobble due to the loose orientation of the parts. In fact, if the user were to push forward on any of the references as taught in the present invention the pressure would be on the opposite side of the guide bar and in fact would do absolutely nothing to contribute to the stability of the device.

5. "wherein formed at a substantially central surface of the guide body (8) is an exposure portion made of an opening or a curved portion or both of these which make it possible to watch, from above, the grinding tool (7) and at least a cutting edge (31a, 32b) of a cutter blade (31, 32) to be sharpened, and

wherein provided on inside or side of the exposure portion is a guide portion (87), which is a narrow portion of the upper plate face (80) extending in a front-to-back direction, ~~for pressing from above, the cutter blade (31, 32) to be sharpened so as to prevent the cutter blade (31, 32) so that when said guide portion (87) is pressed from above said guide portion (87) contacts and secures an upper blade (31a) of said cutter blade (31) from to prevent wobbling or tilting, and to further to define an accurate cutting edge angle"~~

a. None of the references teach a guide portion similar to that of the present invention. That is, none teach a guide portion that is pressed from above that contacts and secures an upper blade of said cutter blade to prevent wobbling and tilting and to further define an accurate cutting edge angle. All of the references only teach a horizontal sharpening motion. None of the references teach any other contact with the cutter blade outside the sharpening tool. Thus, none teach any method or means to stabilize the cutter blade so as to prevent or minimize wobble or tilting or to more accurately define the cutting edge angle. This feature is unique and specific to the present invention.

Conclusion

In view of the above, Applicant asserts that the cited art does not disclose or teach all of

the claim limitations and therefore it would not have been obvious to combine the arts to arrive at the present invention. Thus, Applicant respectfully submits that amended Claim 1 recites statutory subject matter that is novel and new, is subject matter of the present invention and is fully supported in the disclosure of the present invention, and therefore respectfully requests that Claim 1 be found allowable and that this application be passed to issue. No new matter has been included.

Respectfully submitted,

By: /Tracy M Heims 53010/
Tracy M. Heims
Reg. No. 53,010

Apex Juris, PLLC
12733 Lake City Way Northeast
Seattle, Washington, 98125
Email: tracy@apexjuris.com
Phone (206) 664-0314
Fax (206) 664-0329